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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,548	01/30/2004	Christopher H. Claudatos	14160-011001	5850
26181	7590	01/27/2006	EXAMINER	
FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			DINH, KHANH Q	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/769,548	<b>Applicant(s)</b> CLAUDATOS ET AL.	
	<b>Examiner</b> Khanh Dinh	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This is in response to the Remarks filed on 1/3/2006. Claims 1-15 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 6-15 are rejected under 35 U.S.C. 103(a) as being anticipated by Mason, JR. et al. (hereafter Mason), US patent Publication No.2003/0154314 A1.

As to claim 1, Mason discloses a computer network comprising:

a network-attached storage appliance (16 fig.2) generating data packets and transmitting the generated data packets to the computer network (4 fig.2), the data packets being generated by packetizing a file (translating requests into external NFS file read and write requests), the file having one or more associated file attributes, the network-attached storage appliance inserting a network-attached storage content descriptor in each generated data packet, the content descriptor identifying one or more of the associated file attributes (contents) (see fig.2, abstract, [0039] to [0042]); and

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a multiport network device (Net I/O 1 fig.2) receiving the generated data packets, the multiport network device being configured to process the received data packets according to the content descriptor, the multiport network device processing the received data packets at wire speed (processing I/O requests to the NAS subsystem) (see [0039] to [0041] and [0044] to [0049] and [0054]).

As to claim 2, Mason discloses wherein the one or more file attributes comprise one or more of file name, file extension, file size, and data format stored in the file (see [0056] to [0071]).

As to claim 3, Mason discloses that the multiport network device is configured by a user to process the received data packets according to the content descriptor (see [0052] and [0056] to [0071]).

As to claim 4, Mason discloses the multiport network device determines the content descriptor to be inserted by the network-attached storage appliance for the identified content type (see [0042] to [0043] and [0051] to [0053]).

As to claim 6, Mason discloses processing the data packets at the multiport network device comprises selecting one of a plurality of network actions (see [0042] to [0043] and [0051] to [0053]).

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As to claim 7, Mason discloses processing the data packets at the multiport network device comprises allocating network bandwidth to the received data packets and monitoring the data packets received at the multiport network device (providing copy of network data for the Net I/O storage management subsystem through the NAS, see [0041] to [0043] and [0051] to [0053]).

As to claim 8, Mason discloses that the multiport network device is configured to process the data packets by blocking data packets from utilizing the computer network, redirecting blocked data packets, and logging blocked data packets (see [0041] to [0043] and [0051] to [0053]).

As to claim 9, Mason discloses the multiport network device is configured to process the data packets by allocating network bandwidth to the received data packets based on the content type (see fig.4, [0050] to [0052] and [0054] to [0071]).

As to claim 10, Mason discloses the associated file attributes for each data packet are determined by the network-attached storage appliance (see fig.4, [0050] to [0052] and [0054] to [0071]).

As to claim 11, Mason discloses the generated data packets are generated by packetizing information contained in a file, and the associated file attributes are determined based on a file name identifying the file (see fig.4, [0050] to [0052] and

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[0054] to [0071]).

As to claim 12, Mason discloses the generated data packets are generated by packetizing information contained in a file, and the associated file attributes are determined based on a file name extension of the file (see fig.4, [0050] to [0052] and [0054] to [0071]).

As to claim 13, Mason further discloses a workstation (5 fig.4) connected to the network-attached storage appliance through the multiport network device, the workstation requesting a file from the network-attached storage appliance; wherein generating the data packets includes generating data packets containing the requested file, and transmitting the generated data packets includes transmitting the generated data packets to the workstation requesting the file (see fig.4, [0051] to [0052] and [0061] to [0071]).

As to claim 14, Mason further discloses the multiport network device stores one or more user defined packet policies, and is configured to perform an action from a user defined packet policy that matches the content descriptor (see [0052] to [0053] and [0061] to [0071]).

As to claim 15, Mason further discloses the multiport network device is configured to

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route the received data packet using a layer 2-3 switch (see fig.4, [0051] to [0052] and [0061] to [0071]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mason and in view of Malkin, US pat. No.6,243,380.

Mason's teaching still applied as in item 4 above. Mason does not specifically disclose Mason discloses a mapping table is stored on the multiport network device. However, Malkin discloses a mapping table (mapping table 262 fig.2) for identifying one or more file attributes, the mapping table providing the content descriptor to be inserted by the

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network-attached storage appliance for each of the identified file attributes, the mapping table being transmitted to the network-attached storage appliance, the network-attached storage appliance inserting the content descriptors provided by the mapping table (see abstract, fig.2, col.2 line 54 to col.3 line 52 and col.col.4 lines 10-58). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Malkin's teachings into the computer system of Mason to forward data-link layer frames because it would have enabled the Network Attached Storage (NAS) forward data-link frames received from point-to-point connection faster than standard routing operations.

### ***Response to Arguments***

6. Applicant's arguments filed on 1/3/2006 have been fully considered but they are not persuasive.

- Applicant asserts that the cited reference does not disclose "processing header information in each data packet".

*Examiner respectfully disagrees. Mason discloses the Applicant claimed invention by showing one or more files located on network attached storage device are created and maintained on an NFS device by Net I/O embedded code to represent the contents of a local hard drive. Mason further discloses that each file can grow to a fixed size and then a new file is created, and then when a new file is created a header is added containing meta data describing the contents of the file to follow and its relationship to a local disk and the hardware*



*apparatus. For example in FIG. 6, multiple files, each with its own header, are used to represent the contents of a disk drive (see figs.2, 6, [0039] to 0041], 0044] to [0049] and [0054]).*

- Applicant asserts that the Malkin reference does not disclose a mapping table identifying one or more file attributes.

*Examiner respectfully point out that Malkin discloses a mapping table identifying one or more file attributes by implementing a mapping table (262 fig.2) for data processing. For example in fig.2, when the WAN access device 260 receives a response over one of its channels (264), the WAN access device checks its mapping table (262) to see if a NAS port interface number has been stored in a table entry (one or more file attributes) corresponding to the channel over which the response was received. When a NAS port interface number is present in the table entry, the port interface number is mapped into the address field of the data-link frame when the response is framed. The data processing step utilizes NAS port number as same as Applicant claimed invention "one or more file attributes" to forward data packets to access server (see abstract, fig.2, col.2 line 54 to col.3 line 52 and col.col.4 lines 10-58) as rejected above.*

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*As a result, cited prior art does disclose a computer network, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.*

### **Conclusion**

7. Claims 1-15 are rejected.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh  
Patent Examiner  
Art Unit 2151  
1/20/2006